

### **REMARKS**

The final Office Action dated 6 April 2007 has been received and its contents carefully studied. Claims 1-27, 35-43, and 45-50 are pending. The independent claims are method claim 1, mechanism claim 20, apparatus or system claim 26, method claim 41, and apparatus claim 49. All claims stand rejected as being anticipated under 35 U.S.C. 102(e) by *Doyle et al* (U.S. Pat. No. 6,968,453).

Claim 46 is now cancelled, and its limitations are inserted into claim 1. This raises no new issues. The other independent claims are likewise amended.

#### **Finality of the Action Should Be Withdrawn Because Rejections Rely On *Hind***

The final Office Action states at page two that the Examiner is no longer relying upon *Hind* (U.S. Patent No. 6,976,163). However, the present final Office Action repeatedly relies upon column 11, line 18 of *Doyle*, which at column 8, lines 5-15 purports to incorporate *Hind*.

Please see page seven of the present final Office Action, at the end of the next-to-last paragraph ("note column 11, line 18"), and also the end of the last paragraph ("note column 11, line 18"). Additionally, please see page eight of the present final Office Action, at the end of the first paragraph ("note column 11, line 18"). Furthermore, please see page 16 of the present final Office Action, at the end of the next-to-last last full paragraph ("note column 11, line 18"), and also the end of the last full paragraph ("note column 11, line 18").

Applicant therefore respectfully submits that a 102(e) rejection is inappropriate here. The *Doyle* reference does not validly incorporate the *Hind* reference. The purportedly incorporated *Hind* reference did not issue as a patent until after the *Doyle* patent issued, and *Hind* had never before been published. "Incorporation by reference has never been permissible under 35 U.S.C. § 112 of material necessary for an adequate disclosure which is unavailable to the public." *Quaker City v. Skil*, 223 USPQ 1161, 1167 (1984). Moreover, the present final Office Action relies upon *Hind* without stating what part of *Hind* is being relied upon. Additionally, the final Office Action confusingly

relies upon *Hind* while stating that the rejections “do not include” *Hind* (see page two, second paragraph of the final Office Action).

Applicant respectfully emphasizes that the only ground given by the final Office Action for rejecting claim 46 was the *Hind* reference (i.e. “column 11, line 18” of *Doyle* which references *Hind*). The limitations of claim 46 are now inserted into claim 1, and into the other independent claims.

### **Brief Summary of Present Invention and Explanation of Novelty**

According to the present invention, a role certificate is for use on a specific device such as a mobile phone, and the role certificate provides for certain enumerated activities to be performed on the device such as downloading or debugging certain types of software code. The role certificate can further enumerate the specific entity (third party) that can perform the enumerated activities on the device.

As described in claim 1, the present method includes embedding in the device a role certificate which identifies a permitted activity, and also embedding public key information in the device corresponding to the private key used by a certification authority (CA) to sign the role certificate. The device is run so as to verify the role certificate using the information regarding the CA public key, causing the permitted activity to be activated within the device by a party if the role certificate is verified.

Instead of the role certificate being provided when a party wants to use the device for some activity, the role certificate is instead provided earlier than that, for example at the time of the device’s manufacture. Then, the role certificate is used to prevent unauthorized parties from engaging in unauthorized activities with the device.

Normally, a role certificate according to the prior art authorizes the device to do something to others. However, in the present invention of claim 1, a role certificate allows others to do something to the device where the role certificate is embedded, for example allowing R&D access to a user’s mobile device so that de-bugging can be performed.

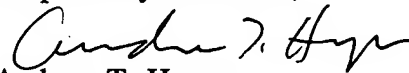
Applicant acknowledges that the *Doyle* reference says a device certificate may be already present as early as the manufacture of the device. See col. 12, lines 1-7 of *Doyle* incorporating U.S. Patent No. 6,826,690 which states at col. 13, lines 17-18 that

“certificate and key pair may be created during the process of manufacturing the device.”  
However, *Doyle* does not teach or suggest using that device certificate to allow an authorized party to engage in authorized activities with the device over a wireless connection, wherein the certificate identifies the authorized party.

### CONCLUSION

Because the cited *Doyle* reference does not teach or suggest critical elements of the present independent claims, it is respectfully submitted that those claims are novel and patentable. Thus, allowance of the pending claims is respectfully requested. Applicant would be grateful if the Examiner would please contact Applicant’s attorney by telephone if the Examiner detects anything in the present response that might hinder a speedy allowance.

Respectfully submitted,



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